

COMMITTEE ON WAYS AND MEANS

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PERMANENT SELECT COMMITTEE  
ON INTELLIGENCE



UNITED STATES  
HOUSE OF REPRESENTATIVES

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1013 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-2523

113 NORTH CHURCH STREET  
SUITE 208  
VISALIA, CA 93291  
(559) 733-3861

264 CLOVIS AVENUE  
SUITE 206  
CLOVIS, CA 93612  
(559) 323-5235

WWW.NUNES.HOUSE.GOV

The Honorable John Boehner  
Speaker of the House  
U.S. Capitol  
Washington, D.C. 20515

 Mr. Speaker:

Following up on our conversation from October 30, I'd like to update you with my perspective on the Intelligence Committee's investigation of the Benghazi attack of September 2012. I want to thank you for your constant encouragement and attention to these efforts, and to thank Chairman Rogers and Ranking Member Ruppertsberger for their leadership of a non-political, efficient, and bipartisan investigative process.

We are now a year into our investigation, and I wanted to outline the areas that have the most critical outstanding questions. This list is based on information from multiple sources with whom I have communicated personally over the past year:

- **Non-deployment of FEST:** Among their duties, Foreign Emergency Support Teams (FESTs) provide counter-terrorism assistance to U.S. ambassadors – in other words, they respond to incidents such as the assault in Benghazi. It is difficult to explain why no FEST was dispatched on the night of the Benghazi attack, especially in light of the fact that a Special Operations force was dispatched from the continental United States. Although sending a FEST would not have saved the four Americans murdered in Benghazi, the team could have advised, assisted, and coordinated security at the compound and the annex after the attack. That would have greatly assisted the ensuing investigation of the perpetrators – recall that FBI investigators did not reach Benghazi for more than three weeks after the attack. We need to identify who – at the level of presidential cabinet secretaries or at the National Security Council (NSC) – signed off on the decision NOT to dispatch a FEST team to Benghazi and determine the basis of that decision.
- **Calls for air support:** Were calls for air support made during the attack, and if so, were the proper authorizations given? Why were these authorizations given, and if they were not, why were they withheld? Additionally, were any requests made for a C-130 Spectre gunship to be sent to Benghazi? If a Spectre gunship was not in the vicinity, why didn't the combatant commander of either AFRICOM or EUCOM order

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air assets to be pre-positioned close to Libya, especially considering that a Special Operations force had been dispatched from the continental United States?

- **Communications during the attack:** It is vital that congressional investigators receive full access to all conversations between the Benghazi annex, the State Department compound in Benghazi, and the U.S. Embassy in Tripoli, and between those three locations and the NSC, the State Department, and other U.S.-based government agencies, for the time period just before and during the attack. Crucially, no “grey areas” of communication can go unexamined – for example, if some communications on the night of the attack were conducted on a classified channel to which none of the House congressional committees have access.
- **Timeline:** There are significant discrepancies between the commonly cited attack timeline and the timeline produced by witnesses on the ground in Benghazi. Most important, it is widely believed that there was a substantial lull in the fighting after all Americans (except Ambassador Stevens) left the State Department compound in Benghazi and arrived at the annex. We need to determine if witnesses on the ground agree that such a lull occurred, and if not, whether a call for air support would have been appropriate at that time.
- **Mortar attack preparations:** The deadly mortar attack on the annex required significant planning and preparation in order to secure the proper coordinates for the strikes. Which terrorist groups had the access and training needed to carry out those preparations?
- **Account of purchases:** A full accounting is needed of purchases made in Benghazi by the State Department and other government agencies in the year prior to the attack.
- **Account of meetings with non-Americans:** A full accounting is needed of all foreigners in Benghazi who met with officials from the State Department or other government agencies in the year prior to the attack.
- **Opportunity to capture or kill the terrorists:** Do we now know who all the terrorists are? Has the United States military or any other U.S. government agency ever had the opportunity to capture or kill any of the perpetrators, but failed to act due to a lack of authorization from the relevant U.S. political authorities?
- **Possible witness intimidation:** Were any officials from the State Department or any other government agency who were in Benghazi during the attack or were involved in any communications about the attack, including anyone located in the continental United States, asked to sign non-disclosure agreements after the attack or asked to undergo polygraph tests? If so, why were these requests made?

In my view, the Intelligence Committee is functioning as the most bipartisan committee in Congress. Under the leadership of Chairman Rogers and Ranking Member Ruppertsberger, the committee has obtained an extraordinary amount of crucial information that sheds light on the

murky events of September 11, 2012. It is my assumption that the committee will find answers to the remaining questions outlined above. However, if questions remain unanswered or if some answers differ substantially from the established narrative and timeline of the attack, then it would be warranted to take new measures to complete the investigation and synthesize the information obtained by the Intelligence Committee and other committees investigating the Benghazi attack. The best approach at that juncture would be to appoint an experienced, independent investigator who would work under the Speaker's direction in close cooperation with Chairman Rogers and Ranking Member Ruppertsberger, utilizing the committee's space and resources in the Capitol.

I look forward to discussing these issues with you further.

Sincerely,

A handwritten signature in blue ink, appearing to read "Devin Nunes", with a stylized flourish at the end.

Devin Nunes  
Member of Congress

cc: Chairman Mike Rogers, Ranking Member C. A. Dutch Ruppertsberger